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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/334,185 06/16/99 LIEBENOW

F GW98-0769/34

024333

WM01/0228

EXAMINER

GATEWAY, INC.

ATTN: KENNETH J. COOL

610 GATEWAY DRIVE

MAIL DROP Y-04

N. SIOUX CITY SD 57049

BUT, K

ART UNIT

PAPER NUMBER

2611

DATE MAILED:

02/28/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/334,186

Applicant(s)

Liebenow

Examiner  
"Krista" Kleu-Oanh Bul

Group Art Unit  
2611



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-19 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis et al. (U.S. Patent No. 5,822,123).

Regarding claim 1, Davis et al (or "Davis" hereinafter) disclose a method comprising the actions of maintaining a subset of program information for at least one related program of a given program with program information for the given program, i.e., a subset of program information, for example, name of casts or textual description related to a program can be obtained by pressing "I" for more information (Fig. 21 and col. 19/lines 57-67); or programs related to content-specific mode can be obtained as the user searches for related specific content Sports programs (col. 32, lines 22-39); and performing at least one program event for the given program and, based upon the subset of program information, the at least one related program, i.e,

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additional information is available for users to view or schedule related programs or purchase related items (col. 32/lines 22-39).

As for claim 2, Davis also discloses “the action of maintaining the program information for the given program, including the subset of program information for the at least one related program, in an electronic program guide (EPG)”, i.e, an EPG that displays program schedule information in accordance with one of a plurality of user selectable modes (col. 5/line 48-col. 6/line 12) as well as storage means for maintaining the program information (col. 41/lines 15-20).

With respect to claim 3, the steps of “providing information associated with the subset of program information for the at least one related program to a user; obtaining user input based on the information provided; and performing program events based on the user input” are revealed by Davis as Davis clearly indicated that the user activates a Sports content specific mode, and other related programs with their subset of program information are searched out and displayed on the television screen and the user can perform the program event if he/she prefers, for example, purchasing a souvenir item (col. 32/lines 22-39).

Concerning claim 4, Davis further clearly discloses “wherein the action of performing program events includes recording the given program and the at least one related program” by scheduling a recording session with a VCR for a preferred program (col. 40/lines 55-65).

As for claim 5, Davis discloses “wherein the subset of program information is appended to the program information for the given program”, i.e, by pressing “I” as illustrated in Fig. 43D, more (appended) information will be displayed (as illustrated in Fig. 21).

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Regarding claim 6, Davis discloses a system comprising at least one processor (Fig. 1/item 16); memory operably associated with processor, i.e., either a DRAM or EEPROM (Fig. 1/items 18 & 20); and a program of instructions configured to be executed by processor and stored in memory, program of instructions including instructions configured to maintain a subset of program information for at least one related program of a given program with program information for the given program, and perform at least one program event for the given program and, based upon the subset of program information, the at least one related program, i.e., an operating software program is used to control and configure instructions or commands in order to maintain and update the program schedule information including a subset of program information for at least one related program and to perform the program event for any given program as preferred (col. 9/line 38-col. 10/line 21).

As for claim 7, Davis shows “wherein said program of instructions further includes instructions configured to maintain the program information for the given program, including the subset of program information for the at least one related program, in an electronic program guide (EPG)”, i.e., an EPG that displays program schedule information in accordance with one of a plurality of user selectable modes (col. 5/line 48-col. 6/line 12) as well as storage means for maintaining the program information (col. 41/lines 15-20) with program of instructions as discussed in claim 6 above.

With respect to claim 8, Davis further reveals “wherein said program of instructions further includes instructions configured to provide information associated with the subset of

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program information for the at least one related program to a user; instructions configured to obtain user input based on the information provided; and instructions configured to perform program events based on the user input” are revealed by Davis as Davis clearly indicated that the user activates a Sports content specific mode, and other related programs with their subset of program information are searched out and displayed on the television screen and the user can perform the program event if he/she prefers, for example, purchasing a souvenir item (col. 32/lines 22-39) with program of instructions as discussed in claim 6 above.

As for claim 9, Davis further discloses to include “a recording device”, i.e., a VCR for recording scheduling programs (col. 40/lines 56-65).

With respect to claim 10, the step of “wherein the subset of program information is appended to the program information for the given program” is taught by Davis as Davis discloses by pressing “I” as illustrated in Fig. 43D, more (appended) information will be displayed (as illustrated in Fig. 21).

Regarding claims 11-19, “a computer readable medium tangibly embodying a program of instructions implementing the method above” and “a signal tangibly embodied in a propagation medium comprising at least one instruction configured to maintain; in an electronic program guide (EPG), a subset of program information for at least one related program of a given program with program information for the given program; and at least one instruction configured to perform at least one program event for the given program and, based upon the subset of program

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information, the at least one related program" are rejected for the reasons given in the scope of method and system claims 1-10 as already disclosed in details above.

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Knee et al (U.S. Patent No. 5,589,892) disclose an electronic program guide schedule system and method with data feed access.

Schindler et al. (U.S. Patent No. 5,675,390) disclose a home entertainment system combining complex processor capability with a high quality display.

Florin et al (U.S. Patent No. 5,594,509) disclose method and apparatus for audio-visual interface for the display of multiplex levels of information on a display.

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-6306 or (703) 308-6296, (for formal communications intended for entry)

**Or:**

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT").

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*


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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Thursday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Krista Bui  
Art Unit 2611  
February 23, 2001

  
**ANDREW FAILE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**